

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2009 of 2019**

- Prakash Barik S/o Hiralal Barik Aged About 25 Years R/o Village- Padkipali, Thana- Singhoda, District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Singhoda, District- Mahasamund, Chhattisgarh

.....Non Applicant

For the Applicant : Shri Vikash Pradhan, Advocate

For Non Applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.04.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No. 87/2018 registered at Police Station- Singhoda, District- Mahasamund (C.G.) for the offence punishable under Sections 363, 366, 376(2) of Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 12.10.2018 prosecutrix was more than 17 years of age. She is resident of village Ghuchapali. On 12.10.2018 applicant took her by enticing. He committed sexual intercourse with her on pretext of the marriage. He put vermilion on her forehead and necklace around her neck. Thereafter, he committed repeatedly sexual intercourse with her.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

Judge

Parul